

PATENT COOPERATION TREATY



Translation

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P00211WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2002/000027	International filing date (day/month/year) 08 January 2002 (08.01.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC H04Q 7/38		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13 August 2002 (13.08.2002)	Date of completion of this report 13 November 2003 (13.11.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/DE2002/000027

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-17 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	9, 11-13, 15	YES
	Claims	1-8, 10, 14, 16, 17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

### 2. Citations and explanations

- 1 The following search report citations (D) are specified in this report; the same numbering will be used throughout the procedure.

D1: US-B1-6 311 069 (BOLTZ DAVID ET AL.) 30 October 2001 (2001-10-30)

D2: US-A-5 960 341 (WILSON GREGORY EUGENE ET AL.) 28 September 1999 (1999-09-28)

D3: US-A-6 154 644 (MURRAY JAMES R) 28 November 2000 (2000-11-28)

D4: HUMPHREY J D: "INTERWORKING AND THE IN PLATFORM: DETAILING THE DEVELOPMENT OF THE GSM CAMEL STANDARD FOR INTERWORKING IN" 6<sup>TH</sup> IEE CONFERENCE ON TELECOMMUNICATIONS. EDINBURGH, UK, MARCH 29 - APRIL 1, 1998, IEE CONFERENCE PUBLICATION, LONDON: IEE, UK, vol. 451, 29 March 1998 (1998-03-29), pages 250-257, XP000880801 ISBN: 0-85296-700-4.

- 2 D1 relates to a system for the transmission of mobile subscribers' position data on request. According to user-specific profiles this data can be made available to or kept from inquirers. On the basis of the features of claim 1, D1 discloses the

following:

- the arrival of a request from a requester (Fig. 5: 280) for the position of a mobile radio telephone terminal (Fig. 5: 20) in a switching centre (Fig. 5: 14; column 7, lines 4 to 10);
- the interrogation of a database server (Fig. 5: 26) by the switching centre (Fig. 5: 14) for query response instructions stored therein (column 3, lines 8 to 41; figure 6; column 6, line 61 to column 7, line 48);
- an optional request for the subscriber's consent (column 7, lines 40-48);
- the transmission of the position data to the inquirer if the subscriber has given his consent (column 7, line 61 to column 8, line 8).

The method described in claim 1 is not therefore novel over D1 (PCT Article 33(2)).

- 3 The above arguments also apply to dependent claims 16 and 17, which relate to devices with device features corresponding to the method. In other words, the subject matter of claims 16 and 17 is likewise not novel (PCT Article 33(2)).
- 4 The subjects of dependent claims 2 to 15 relate to trivial system details which can be deduced directly from the above-mentioned prior art or are standard procedures commonly known in the art. The features of these dependent claims do not therefore make an

inventive contribution, either individually or in combination, to the subject matter of claim 1:

- the features of dependent claims 2 to 8, 10 and 14 are already known from D1 (cf. fig. 5 and 6);
- the use of intelligent network nodes for the management of subscriber profiles (claims 11 and 12), especially for the authorisation of position inquiries, is already known from D2 (column 3, lines 59-65, and column 10, lines 14-31);
- an interface between HLR and SCP for requesting service options (claim 13) is described in D3 (fig. 2, steps 35 to 37);
- the registration of the address of an SCP in the HLR subscriber profile (claim 15) is already known from the CAMEL standard (see D4: page 253, left-hand column, first paragraph, and first mirror point);
- the subject matter of claim 9 is based on the generally known prior art.

The subjects of claims 2 to 8, 10 and 14 are not therefore novel (PCT Article 33(2)), and the subjects of claims 9, 11 to 13 and 15 do not involve an inventive step (PCT Article 33(3)).

- 5      Dependent claim 16 lacks the requisite clarity (PCT Article 6), since the required device features are not clearly stated.

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- 6 Contrary to PCT Rule 5.1(a)(ii) and (iii), the introductory part of the description does not reflect the relevant prior art as per documents D1 to D4.